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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/515,272	02/29/2000	David B. Kinder	INTL-0315-US (P7998)	1987

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EXAMINER
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DEMICCO, MATTHEW R

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/515,272

Applicant(s)

KINDER ET AL.

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/28/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed 7/26/2004. Claims 1-3 and 5-21 are pending. Claims 1-3, 5, 10, 12-16 and 19 are amended. Claims 4 and 22-27 are canceled. The objections to the drawings and specification are hereby withdrawn in light of the amendments.

### ***Response to Arguments***

2. Applicant's arguments with respect to Claim 1 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 recites the limitation "said television content" in Line 3. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 9, 12-15 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,604,542 to Dedrick.

Regarding Claim 1, Dedrick discloses a method comprising transmitting video content (Col. 2, Lines 25-28) and transmitting electronic advertisements (Col. 2, Lines 10-14) comprising graphics (Col. 2, Line 19) in the vertical blanking interval of the video signal (Col. 2, Lines 20-33). The advertisement may be a redeemable coupon (Col. 3, Lines 2-3). As is well known in the art, information carried in the VBI signal must be encoded, that is the advertisement is split up into packets (Col. 2, Lines 35-64). The image is subsequently delivered to a receiver one bit at a time in a serial data stream. This reads on the claimed transmitting partial, incomplete portions (packets) of a complete viewer incentive image (electronic advertisement including a redeemable coupon) over time in association with the video content (television program). In order to receive all the packets for a particular image, the user must be tuned to the channel carrying the data for a sufficient duration of time. This reads on the claimed incentive images accumulating depending on viewing time to form the complete image.

Regarding Claim 2, as best understood by the Examiner, Dedrick disclose a method as stated above in Claim 1, wherein transmitting portions of a viewer incentive image (advertisement) in association with the content (television program) includes transmitting the viewer incentive image portions (packetized data) together with the television content in the program's VBI, as stated above.

Regarding Claim 3, Dedrick discloses a method as stated above in Claim 1, wherein transmitting video content includes transmitting video programming (television programming) together with ancillary information (VBI data, See Figures 3-5) and transmitting the viewer incentive image portions (advertisement/coupon) as part of the ancillary information (VBI data) as stated above. As is well known in the art, the VBI may contain closed captioning information as well as other embedded data.

Regarding Claim 9, Dedrick discloses a method as stated above in Claim 1, further including parsing enhanced content from the video content (decoding the VBI information) and parsing an incentive from the enhanced content (displaying or printing the advertisement, Col. 3, Lines 24-41).

Regarding Claim 12, see Claim 1 above. Dedrick further discloses an electronic system (See Figure 1) with an encoder (14), transmitter (80), receiver (82) and decoder (84). As is well known in the art, such digital computing devices comprise a medium for storing instructions that cause a processor to perform a function. As stated above, the image is associated with image portions (data packets) that accumulate to create the complete image after an amount of viewing time.

Regarding Claims 13-14, see Claims 2-3 above, respectively.

Regarding Claim 15, Dedrick discloses an article as stated above in Claim 12, further storing instructions that cause a processor-based system such as encoder (14) and transmitter (80) to progressively provide, in the form of a serialized data stream encoded in the television show's VBI, an image portion of an overall incentive image

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(advertisement/coupon) which may be earned by those viewers who view programming for a given amount of time as stated above in Claim 1.

Regarding Claim 19, see Claim 1 above. Dedrick further discloses a video content receiver (82) and a data decoder (84). The decoder removes the electronic advertisement from the VBI and extracts the transmitted information (Col. 3, Lines 25-28). The decoder therefore reads on the claimed ancillary content receiver. Further disclosed is a transmitter (80).

Regarding Claim 20, see Claim 2 above.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of U.S. Patent No. 6,681,393 to Bauminger et al.

Regarding Claim 5, Dedrick discloses a method as stated above in Claim 1. What is not disclosed, however, is showing the portion of an incentive image that has not yet been earned. Bauminger discloses an interactive television system for displaying advertisements (Col. 5, Lines 21-34) and accumulating a history of users interactions (Col. 6, Lines 16-49) in order to provide a coupon or prize (Col. 5, Lines 1-7). Bauminger further discloses displaying to the user a portion of an incentive image that

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has not yet been earned (See Figures 1A and 1B). Bauminger is evidence that ordinary workers in the art would recognize the benefits of prompting users with an unearned portion of an incentive, such as how many times the user is required to participate in a contest to receive a coupon (Cbl. 5, Lines 32-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick with the display of an unearned portion of an incentive of Bauminger in order to increase viewer participation and consumption of advertising by encouraging the viewer to participate in more interactive advertising content as disclosed by Bauminger (Col. 5, Lines 32-39).

Regarding Claim 16, see Claim 5 above.

9. Claims 6, 10-11, 17-18 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of U.S. Patent No. 6,057,872 to Candelore.

Regarding Claim 6, Dedrick discloses a method as stated above in Claim 1. What is not disclosed, however, is progressively providing incentives which may be collected in a graphical user interface for display. Candelore discloses a system for transmitting digital coupons (Col. 4, Line 63 – Col. 5, Line 5) in order to reward viewer loyalty in a cable television network (Col. 5, Line 26) based on a viewer's consumption of programming (Col. 6, Lines 27-31). Further disclosed is that incentives may be collected in a graphical user interface for display (See Figures 4-5 and Col. 10, Lines 19-45). Candelore is evidence that ordinary workers in the art would appreciate the ability to display a viewer's collected coupons in a graphical user interface. Therefore, it would

have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick with the GUI of Candelore in order to allow a user to manage and spend their accrued coupons immediately.

Regarding Claims 10 and 11, Dedrick discloses a method as stated above in Claim 1 wherein a viewer accrues an incentive image portion by viewing content. What is not disclosed, however, is including a determining whether a viewer is actually viewing the video content and accruing the incentive only after determining that the viewer is actually viewing the content including asking a question in the course of the video content to determine that a viewer is present and paying attention. Candelore discloses a method as stated above in Claim 6 wherein the system verifies that the subscriber is present and viewing a program by requiring the subscriber to provide interactive input (Col. 3, Lines 53-62 and Col. 12, Lines 47-56). This reads on the claimed determining whether a viewer is actually viewing a video and accruing the incentive only if the viewer is actually viewing including asking a question in the course of the video content to determine that the viewer is actually present and paying attention. Candelore is evidence that one of ordinary skill in the art would appreciate the ability to ensure a viewer is actually paying attention to programming before providing a reward for watching the programming. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Dedrick with the verification of Candelore in order to prevent viewers from gaining rewards for advertisements they didn't actually view.

Regarding Claims 17-18, see Claims 10-11 above.



Regarding Claim 21, Dedrick discloses a system as stated above in Claim 19.

What is not disclosed, however, is that the video content and ancillary information are transmitted at separate times. Candelore discloses a system as stated above, wherein the digital coupon information may be transmitted via a separate path from the television programming (Col. 5, Lines 53-55). This reads on the claimed video content and ancillary information being transmitted at separate times. Candelore is evidence that one of ordinary skill in the art would appreciate the ability to use a separate transmission path for video services and digital coupon information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Dedrick with the separate transmission path of Candelore in order to implement a bi-directional network for interactive distribution and feedback or to provide a higher bandwidth transmission channel than VBI for the interactive advertisement information.

10. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dedrick in view of Candelore and further in view of U.S. Patent No. 6,486,895 to Robertson et al.

Regarding Claims 7 and 8, Dedrick discloses a method as stated above in Claim 1.

Further, Dedrick in view of Candelore disclose a method as stated above in Claim 6 wherein incentives are progressively provided in a graphical user interface. What is not disclosed, however, is a graphical user interface which may be viewed in a virtual book of pages of incentives or enabling the pages to appear to be turned by operating the graphical user interface. Robertson discloses a graphical user interface system that

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utilizes a book metaphor (See Abstract and Figures 10-12) that enables a user to turn pages (Col. 2, Lines 38-47). Robertson is evidence that ordinary workers in the art would recognize the benefits of displaying electronic data in a book metaphor. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Dedrick in view of Candelore with the book metaphor of Robertson in order to allow users to easily access the stored coupon data in a visual way that is natural and easy for them to understand.

### *Conclusion*

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

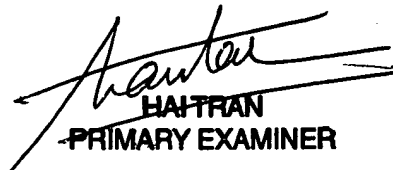
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MPQ

mrd

January 5, 2005

  
HAITRAN  
PRIMARY EXAMINER